

**Introduced by Senators Denham, Battin, Hollingsworth, Knight,
McPherson, Morrow, and Oller**

February 21, 2003

An act to add Section 664.5 to the Penal Code, relating to offenses against minors.

LEGISLATIVE COUNSEL'S DIGEST

SB 882, as introduced, Denham. Offenses against minors.

Existing law makes it a crime for a person, with knowledge that a person is a minor, or who fails to exercise reasonable care to know the minor's age, to knowingly distribute harmful matter by any means, including telephone, to a minor for the purpose of seducing the minor.

This bill, in addition, would provide that every person who contacts or communicates with a minor, or attempts to contact or communicate with a minor, who knows or reasonably should know that the person is a minor, with the intent to commit a specified offense with that minor shall be punished as provided for in the law proscribing attempts to commit a crime.

Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 664.5 is added to the Penal Code, to
2 read:

3 664.5. Every person who contacts or communicates with a
4 minor, or attempts to contact or communicate with a minor, who
5 knows or reasonably should know that the person is a minor, with
6 intent to commit an offense specified in Section 273a, 286, 288,
7 288a, or 311.11 involving the minor shall be punished pursuant to
8 the provisions of Section 664. As used in this section, “contacts
9 or communicates with” shall include direct and indirect contact or
10 communication that may be achieved personally or by use of an
11 agent or agency, any print medium, any postal service, a common
12 carrier or communications common carrier, any electronic
13 communications system, or any telecommunications, wire,
14 computer, or radio communications device or system.

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.

